

Serial No. 10/802,604

Remarks

As suggested by the Examiner, applicants have changed the title to "Technique for Temporal Climate Control in a Vehicle," which applicants believe is more descriptive of the claimed invention.

The Examiner rejected claims 13-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,175,782. Although applicants totally disagree with the Examiner's position, to advance prosecution of the application, applicants submit herewith a Terminal Disclaimer to overcome such a rejection.

Applicants also submit herewith a Supplemental Information Disclosure Statement (IDS) by Applicant (1 page), listing additional references which are or may be material to the examination of the subject application. Copies of the additional references are enclosed. It is respectfully requested that they be made of record in the file history of the application.

Identification of references in the IDS is not to be construed as an admission by applicants or attorneys for applicants that such references are available as "prior art" against the subject application. The right is reserved to antedate any listed reference in accordance with standard procedures.

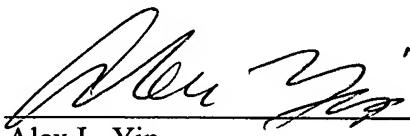
In addition, applicants bring to the Examiner's attention Civil Action No. '04 CV 00614 DMS, which was brought by American Calcar Inc. against BMW of North America, LLC. before the United States District Court for the Southern District of California. This civil action is based on, among others, U.S. Patent No. 6,009,355 ("the '355 patent") issued on Application Serial No. 08/789,934 of which the present application claims priority. A copy of the cover page of the Complaint is enclosed for the PTO's records and file history of the present application. The names of the inventors of the '355 patent are Michael L. Obradovich, Michael L. Kent and John G. Dinkel. American Calcar Inc. is a Delaware corporation with its principal place of business at

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1001 Avenida Pico C139, San Clemente, California. BMW of North America, LLC is a New Jersey limited liability company with its principal place of business at 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey.

The required fee \$180 for filing the IDS is also enclosed, along with \$55 for filing the Terminal Disclaimer.

Respectfully,

By 
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Date: August 24, 2004
Enclosures